

Attorney Docket No. RESP:111US  
U.S. Patent Application No. 10/611,329  
Reply to Office Action of November 14, 2007  
Date: January 9, 2008

**Remarks**

**Allowable Subject Matter**

Applicants graciously thank the Examiner for his determination that Claims 4, 8-17 and 22 are allowable. In view of such determination, Applicants have amended Claims 6, 7, 19 and 21, as described below, to place those claims in condition for allowance.

**The Objection to Claim 2**

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully traverse this objection for the following reasons.

Applicants courteously submit that in the Reply to Office Action dated April 13, 2007, Claim 2 was rewritten in independent form including all of the limitations of the base claim, *i.e.*, Claim 1, and there were no intervening claims to incorporate. Furthermore, as indicated in the remarks section of that Reply, Claim 2 has not been substantively rejected in view of any prior art, and therefore is in condition for allowance.

Hence, reconsideration and removal of the objection to Claim 2 is appropriate and respectfully requested.

**The Rejection of Claims 1, 3 and 18-21 under 35 U.S.C. § 102**

Claims 1, 3 and 18-21 were rejected under 35 U.S.C. § 102 as being anticipated by United States Patent No. 5,787,185 (*Clayden*). Applicants have canceled Claims 1 and 18 thereby rendering this rejection moot as it pertains to Claims 1 and 18. Applicants respectfully traverse this rejection as it pertains to the remaining claims, and request reconsideration for the following reasons.

Amended Claim 3 depends from Claim 2 and thus incorporates all the limitations of that claim. Because, as discussed above, Claim 2 is allowable, it necessarily follows that amended Claim 3 is also allowable, due to its dependency from Claim 2.

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Claim 19 has been amended to include similar limitations as recited in Claim 2 thereby directing amended Claim 19 to a computer-readable medium having stored thereon a plurality of instructions for biometric analysis according to the method of Claim 2. Thus, as Claim 2 is allowable, it necessarily follows that amended Claim 19 is also allowable.

In like fashion, Claim 21 has been amended to include similar limitations as recited in Claim 2 thereby directing amended Claim 21 to a computer based system for determining whether biometric samples are from a same source according to the method of Claim 2. Thus, as Claim 2 is allowable, it necessarily follows that amended Claim 21 is also allowable.

Furthermore, Applicants courteously submit that Claim 20 depends from amended Claim 19 and thus incorporates all the limitations of that claim. Because, as discussed above, amended Claim 19 is allowable, it necessarily follows that Claim 20 is also allowable, due to its dependency from amended Claim 19.

In view of the foregoing, reconsideration and removal of the rejection of Claims 1, 3 and 18-21 are appropriate and respectfully requested.

#### The Rejection of Claims 5-7 under 35 U.S.C. § 102

Claims 5-7 were rejected under 35 U.S.C. § 102 as being anticipated by United States Patent No. 6,052,481 (*Grajski*). Applicants have canceled Claim 5 thereby rendering this rejection moot as it pertains to Claim 5. Applicants respectfully traverse this rejection as it pertains to the remaining claims, and request reconsideration for the following reasons.

Applicants respectfully submit that Claims 6 and 7 have been amended to depend from allowable Claim 4 and thus incorporate all the limitations of that claim. Because, as discussed above, Claim 4 is allowable, it necessarily follows that Claims 6 and 7 are also allowable, due to their dependency from allowable Claim 4.

Thus, Applicants respectfully request the removal of the rejections of Claims 5-7 and allowance of the same.

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**Conclusion**

Applicants respectfully submit that the present application is in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



Robert C. Atkinson, Esq.  
Registration No. 57,584  
Simpson & Simpson PLLC  
Customer No. 24041  
5555 Main Street  
Williamsville, NY 14221  
Phone: (716) 626-1564  
Fax: (716) 626-0366

RCA/

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